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FILE

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April 29, 2004

A. Richard Bailey
Direct Phone 215.665.2040
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abailey@cozen.com

VIA FACSIMILE

Bradford N. Louison, Esquire
Merrick Louison & Costello, LLP
67 Batterymarch Street
Boston, Massachusetts 02110

Re: Great Northern Insurance Company v. Intercity Alarms
Date of Loss: 1/22/03
Your Claim No.: 863369-48
U. S. District Court No. 03-CV-12463 (RGS)
Our File No.: 133717

Dear Brad:

I acknowledge receipt of your letter dated April 26, 2004 enclosing Intercity Alarms, Inc.'s Response to Plaintiff's First Set of Requests for Admissions.

Responses to Request No. 2, 3, 5, 6, 7, 8, 9, 10 and 11 state that "defendant cannot admit or deny . . . as no one employed with the defendant has personal knowledge of the facts requested to be admitted or denied."

Rule 36(a) relative to Requests for Admissions state in pertinent part:

"An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that the party has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny."

It certainly appears that Intercity Alarms needs to do more than just deny the Requests for Admissions indicated above, relying on its lack of personal knowledge. Intercity needs to make a reasonable investigation, or state that it has contrary knowledge or information. If Intercity has

Bradford N. Louison, Esquire
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an independent cause and origin expert, for example, that has different facts or opinions, that could be asserted in Response to these Requests.

You may recall our conversation during or just after the Pre-Trial Conference that the purpose of these Requests for Admission is to obviate the need to take the depositions of the investigating fire personnel. I am trying to establish by way of these Requests for Admission how the fire started, where it started and that the fire was not detected by the smoke detectors. I understood Intercity Alarms had no concerns about these facts since it is defending this matter based upon the belief that Intercity Alarms had no duty to advise the MacNeils that the smoke detectors should be tested and/or replaced, etc.

As you know, the Court rules require counsel to try to resolve discovery disputes before bringing those disputes before the Court. I would therefore ask that you review your Responses and advise whether or not you will amend and/or change those Responses.

I look forward to hearing from you concerning the above.

Very truly yours,

COZEN O'CONNOR



By: A. Richard Bailey

ARB/jd

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